

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

GREAT AMERICAN ALLIANCE INSURANCE)
 COMPANY, GREAT AMERICAN ASSURANCE)
 COMPANY, GREAT AMERICAN INSURANCE)
 COMPANY AND GREAT AMERICAN)
 INSURANCE COMPANY OF NEW YORK,)

Plaintiffs,)

v.)

RISO, INC.,)

Defendant.)

Civil Action No. 04-12260 (GAO)

PLAINTIFFS' UNOPPOSED MOTION TO CONSOLIDATE RELATED ACTIONS

Pursuant to Fed. R. Civ. P. 42(a), Plaintiffs Great American Alliance Insurance Company f/k/a American Alliance Insurance Company, Great American Assurance Company f/k/a Agricultural Insurance Company, Great American Insurance Company, and Great American Insurance Company of New York f/k/a American National Fire Insurance Company (collectively the "Plaintiff-Insurers"), hereby move to consolidate Civil Action No. 04-12397-GAO (the "Riso Action") with this action (the "Great American Action"). As grounds in support of this motion, the Plaintiff-Insurers state as follows:

1. On October 27, 2004, the Plaintiff-Insurers filed the Great American Action in this Court.¹ On the same day, Riso, Inc. ("Riso") filed the Riso Action in Massachusetts

¹ The Plaintiff-Insurers filed an Amended Complaint on December 6, 2004.

Superior Court. The Plaintiff-Insurers removed the Riso Action to this Court on November 12, 2004. Both cases have been assigned to Judge O'Toole.

2. The Riso and Great American Actions involve the same parties, facts and legal issues. Thus, they should be consolidated. See Fed. R. Civ. P. 42(a) (consolidation is appropriate where two actions share "a common question of law or fact").

3. Riso does not oppose this motion.


WHEREFORE, the Plaintiff-Insurers respectfully request that this Court consolidate the Riso Action with the Great American Action, and that it grant such other and further relief as it deems just and proper.

Respectfully submitted,

GREAT AMERICAN ALLIANCE INSURANCE
COMPANY, GREAT AMERICAN ASSURANCE
COMPANY, GREAT AMERICAN INSURANCE
COMPANY AND GREAT AMERICAN
INSURANCE COMPANY OF NEW YORK

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